

DECISION OF THE VIDEO RECORDINGS BOARD OF REVIEW

31 January 1991

Video Recording: Anal Cumshot Revue

The Secretary for Internal Affairs sought a review of the video recording “Anal Cumshot Revue” under section 36 of the Video Recordings Act 1987.

The Video Recordings Board of Review (the Board) re-examined the video, in accordance with section 38 of the Act, on 16 November 1990, at the State Insurance Building, 46 Waring Taylor Street, Wellington.

The following members of the Video Recordings Board of Review attended this examination –

Hilary Lapsley (Chairperson)
Christopher Carter
Elsie Ellison
Mark Humphrey
Lesieli Tongatio

The Board did not consult with any other persons in reaching its decision.

After a discussion immediately following the examination of the video recording, the above-mentioned Board members reached the following decision:

1. The video consisted of numerous scenes, apparently compiled from different videos, of explicit sexual activity.
2. As the video’s title would suggest, the unifying theme was anal sex, in particular, anal penetration of females by males. Most scenes show one man and one woman engaging in a variety of sexual activities in addition to anal sex; some scenes showed more than one man with one woman; and one scene depicted anal sexual activity between three women, using a dildo.

Since the video appeared to be a compilation of many different scenes, there was no storyline, nor did actors emerge as characters. In most instances, there were no or few preliminaries to sexual activities.

3. The Board took into consideration the matters that it is required to pursuant to section 21 of the Act. It formed the following conclusions:
 - (a) The dominant effect of the work as a whole is the portrayal of sexually explicit activities.
 - (b) The videos had no artistic, social or cultural merit, value or importance. It was a disconnected sequence of sexual episodes of varied production quality.
 - (c) The soundtrack was of poor quality and it was often hard to hear the occasional spoken word against the background of trite music.

- (d) The video appeared to be aimed at an adult heterosexual audience, probably primarily a male audience.
- (e) The small amount of language used was appropriate to the content of the video and was not abusive.

Although it could be argued that the material in the video is offensive, it was not considered by the majority of the Board to be offensive to such a degree that it would require a decision of indecent.

However, there was one sequence which the Board considered anti-social. This was a sequence which appeared to be a parody of the characters Batman and Robin. Two masked men, referred to in the video as Dickman and Throbbin', performed a considerable number of sexual activities on a woman who gave many signs of apparent enjoyment.

What concerned the Board was the apparel of the men (mask, and in the case of the "Batman" figure, a t-shirt labelled "The Sexorcist"), which gave them a somewhat sinister appearance. The masks suggested that the men could have been intruders and in the opening part of the sequence the woman was told that what was happening was all a dream. This, and the occasional shot of a bemused man looking in the bedroom door could reinforce the impression that the two masked men had entered the woman's bedroom while she was asleep and had begun performing sexual activities on her. The Board was of the opinion that this sequence could endorse social myths that promote rape by implying that women welcome and respond to this sort of intrusion. The Board considered the whole of this sequence "indecent".

Another matter considered by the Board under this section was whether the portrayal of behaviour with health risks in the video could be deemed anti-social. Two health risks were noted; (1) some of the unprotected sex, especially anal sex, is an AIDS risk; and (2) several sequences where penis-anus penetration was followed immediately by penis-vagina or penis-oral penetration were seen as risky for the transmission of hepatitis and other infections. The Board took note of a previous judicial decision (McGechan J, *The Society for the Promotion of Community Standards v A W Everard* High Court, Wellington, 23 October 1987, CP No. 616/86) which stated that since male homosexual activity, including male sodomy had been decriminalised "despite its tendency to spread AIDS, it would not be consistent or rational for the courts to give predominant importance to risks of AIDS as a censorship consideration".

Therefore, these concerns were not considered as sufficient to warrant a decision of indecency, although the Board noted that had it the power to recommend the inclusion of "safesex" advertisements at the beginning of the video, it would have exercised this power.

- (f) Two matters of concern arose in relation to the question of whether the video denigrated any particular class of the general public by reference to colour, race, ethnic or national origins, sex, or religious beliefs of members of that class.

The first concern was with regard to a very short sequence where a woman of apparently Afro-American origin, dressed as a maid, entered the room at the end of sexual activity between the man and woman and briefly wiped away semen and vaginal fluid from their genital regions. This was the only scene in the film in which an Afro-American woman appeared and the Board found that her portrayal as a cleaning woman, expected to clean up even intimate sexual secretions, grossly denigrated her by reference to her race and sex. The Board therefore regarded this short sequence as indecent.

The second issue which arose was whether the video denigrated women as a class, given its portrayal of the women in the video as eagerly accepting any sexual attentions from the male characters. Women were portrayed as avidly engaging in various sexual activities, most particularly anal intercourse and fellatio, both of these latter activities on the whole being initiated by the male actors.

It could be argued that women actors were presented as objects for the sexual gratification of men and that their sexuality was misrepresented and that therefore as a class, women were denigrated. The Board felt that “denigrates” in the Act, could be interpreted according to common parlance, as having a similar meaning to terms such as “demean” or “degrade”. However, with one member dissenting, the Board came to the conclusion that the video did not warrant a decision of indecency on the ground of denigration, given the apparently mutual, consenting and non-violent aspects of the sexual activities portrayed.

- (g) The video is intended to be used for home viewing, principally by a male audience. In relation to subsection (4) the Board considered the soundtrack and decided that its contents were similar in theme to the visuals.

Subsection (3) was also considered. The Board believed that this video is one of many similar videos with sexually explicit themes. No conclusions were drawn about the likely cumulative effect of viewing such videos by adults.

Conclusion

The Board by a unanimous decision has determined that the video “Anal Cumshot Revue” is injurious to the public good and should be classified as indecent.

By a majority of four to one, the Board considers that if two sequences were cut (the “Batman and Robin” sequence and the “black maid” scene) then it would classify the video to be indecent in the hands of persons under the age of 18 years with the description “Contains Explicit Sexual Material”. The dissenting member (the Chairperson) believed that even with the recommended cuts the video should be determined to be indecent on the grounds of denigrating women as a class.

H M Lapsley
Chairperson